

SEP 28 2007

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 I hereby certify that this correspondence, totaling 22 pages including rectified attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date: Date: September 28, 2007 Name: Beverly M. Little Signature: <i>Beverly M. Little</i>	
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BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: SCOTT E. BOATMAN ET AL.

Appln. No.: 10/813,415

Filed: 03/30/2004

For: MEDICAL DEVICE INCLUDING UNITARY,
CONTINUOUS PORTION OF VARYING
DUROMETER

Attorney Docket No: 8627-453 (PA-5259-RFB/DIV)

Examiner: Suzanne E.
McDowell

Art Unit: 1732

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Attached is/are:

- ☒ Reply Under 37 C.F.R. § 1.111
☐ Return Receipt Postcard.

Fee calculation:

- ☐ No additional fee is required.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☒ An additional filing fee has been calculated as shown below:


					Small Entity		Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate
Total	40	Minus	41	0	x \$25=			x \$50=
Indep.	11	Minus	3	8	x 100=			x \$200= 1600
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=
					Total	\$		Total \$1600

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☒ Please charge Deposit Account No. 23-1925 in the amount of \$1600. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

September 28, 2007
Date

Respectfully submitted,


 Bonnie R. Shaw (Reg. No. 60,493)

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REPLY UNDER 37 C.F.R. §1.111

In response to the Office Action mailed 06/28/2007, Applicant respectfully submits this paper comprising the following parts:

- I. **Listing of Claims**, beginning on page 2;
- II. **Amendments to the Specification**, beginning on page 15; and
- III. **Remarks**, beginning on page 19.

Applicants note that the Transmittal to which this paper is attached includes a Certificate under 37 C.F.R §1.8; and a fee statement calculating any fee(s) presently due in connection with the filing of this paper, along with an authorization to charge any fee deficiency to Deposit Account No. 23-1925.

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